

JOURNAL OF THE SENATE

Thursday, August 31, 1967

The Senate was called to order by the President Pro Tempore at 9:00 a. m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Saylor
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

48. A quorum present.

Prayer by the Secretary of the Senate:

Heavenly Father, as we think of life's questions and the answers which we find in thy word, we remember especially today the assurance thou hast given of life eternal. We pray for grace and understanding to pass this comfort of sort to those in their time of need.

Our state lost one of its valiant leaders yesterday. A soldier in government who, with concern, dedicated his life for others. Our state has been blessed because of his presence and his labors assigned by thee. Phraseology of the great and illustrious apostle Paul is very appropriate this moment—"Well done thou good and faithful servant."

Be with the family of Robert King High this hour, comfort the pains of this experience, let them lean heavily upon thee.

We humbly pray in our Master's name. Amen.

The Journal of August 30 was corrected and approved.

On motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

Senator Horne presiding.

The Committee of the Whole resumed consideration of the substitute amendment for Amendment 64-a as amended.

The substitute amendment as amended failed. The vote was:

Yeas—6

Mr. President	Barrow	Edwards	Fisher
Barron	Clayton		

Nays—42

Askew	Friday	Lane	Spencer
Bafalis	Gibson	McClain	Stockton
Bell	Gong	Mathews	Stolzenburg
Boyd	Griffin	O'Grady	Stone
Broxson	Gunter	Ott	Thomas
Chiles	Haverfield	Plante	Weber
Cross	Henderson	Poston	Weissenborn
Deeb	Hollahan	Reuter	Wilson
de la Parte	Horne	Saylor	Young
Elrod	Johnson	Shevin	
Fincher	Knopke	Slade	

Senator Barron offered the following substitute amendment for Amendment 64-a:

Strike Section 9 and insert in lieu thereof the following:

Section 9. Local taxes.—

(a) Counties and municipalities shall, and special districts

may, be authorized by law to levy taxes for their respective purposes, except ad valorem taxes on intangible property, and taxes prohibited by this constitution.

(b) Counties, municipalities and special districts shall have the power to levy ad valorem taxes in the aggregate of not more than fifteen mills on taxable property. Apportionment of the maximum millage for each of the local governmental units shall be as provided by law. No ad valorem tax in excess of such millage shall be levied except when additional millages for period not exceeding two years, are approved by a vote of the electors of the county, district or municipality who pay therein a tax on real or personal property.

This provision shall take effect January 1, 1971.

On motion by Senator Mathews debate on the substitute amendment and Amendment 64-a was limited to two minutes for each proponent or opponent. The vote was:

Yeas—31

Mr. President	Elrod	Knopke	Spencer
Askew	Fincher	Lane	Stockton
Bafalis	Friday	McClain	Stolzenburg
Boyd	Gong	Mathews	Stone
Broxson	Griffin	Ott	Thomas
Chiles	Gunter	Poston	Weber
Cross	Haverfield	Saylor	Weissenborn
de la Parte	Horne	Shevin	

Nays—13

Barron	Fisher	Plante	Young
Barrow	Gibson	Reuter	
Bell	Johnson	Slade	
Deeb	O'Grady	Wilson	

The substitute amendment failed. The vote was:

Yeas—12

Mr. President	Bell	Edwards	O'Grady
Barron	Broxson	Fisher	Slade
Barrow	Deeb	Gibson	Wilson

Nays—31

Askew	Gong	McClain	Stockton
Bafalis	Griffin	Mathews	Stolzenburg
Chiles	Gunter	Ott	Stone
Cross	Henderson	Plante	Thomas
de la Parte	Horne	Poston	Weber
Elrod	Johnson	Reuter	Weissenborn
Fincher	Knopke	Shevin	Young
Friday	Lane	Spencer	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Clayton on the substitute amendment. If he were present he would vote "Yea" and I would vote "Nay."

WILBUR H. BOYD, 31st District

Amendment 64-a was adopted.

On motion by Senator Friday, Amendment 50-a was referred to the Liaison Committee.

Senator Fisher offered the following amendment:

Amendment 310—Article VIII, Section 4, on page 48, beginning at line 11, strike present Section 4 and insert in lieu thereof the following:

Section 4. ESTATE, INHERITANCE AND INCOME TAXES.—No tax upon estates or inheritances or upon the

income of [residents or] citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States. However, a tax upon the income of a corporation may be levied by the state.

Senator Stockton offered the following amendment to Amendment 310 which failed:

In Section 4, line 9, strike: period and insert the following: , not exceeding 5% of net income as defined by law.

On motion by Senator Mathews, by two-thirds vote, time of recess was extended until final action on Amendment 310.

Senator Mathews presiding.

Senator Askew offered the following amendment to Amendment 310:

In Section 4, line 8, strike: corporation and insert the following: business entity

On motion by Senator Cross, debate on the amendment to Amendment 310 and Amendment 310 was limited to five minutes for each side.

The amendment to Amendment 310 failed.

Senator Young offered the following amendment to Amendment 310 which failed:

Strike: "corporation" and insert the following: business and professional entities

Amendment 310 failed.

Senator Friday moved that the Committee of the Whole rise. Which was agreed to. The Senate was called to order by Senator Mathews at 12:15 p. m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Saylor
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

48. A quorum present.

On motion by Senator Friday, the Senate proceeded to the order of receiving—

MESSAGES FROM THE GOVERNOR

By direction of the Presiding Officer, the Secretary of the Senate read the following communications from Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 31, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Alva Duncan, Assistant State Attorney, Third Judicial Circuit, for a term ending the first Tuesday after the first Monday in January, 1969.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Gibson moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Gibson, the Senate advised and consented to the ap-

pointment of Alva Duncan, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Saylor
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 31, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Milo I. Thomas, Jr., Assistant State Attorney, Third Judicial Circuit, for a term ending the first Tuesday after the first Monday in January, 1969.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Gibson moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Gibson, the Senate advised and consented to the appointment of Milo I. Thomas, Jr., as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Saylor
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 30, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

John S. Andrews, Assistant State Attorney, Sixth Judicial Circuit, succeeding Roy M. Speer, for a term ending the first Tuesday after the first Monday in January, 1969.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Deeb moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Deeb, the Senate advised and consented to the appointment of John S. Andrews, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	Clayton	Gibson	Knopke
Askew	Cross	Gong	Lane
Bafalis	Deeb	Griffin	McClain
Barron	de la Parte	Gunter	Mathews
Barrow	Edwards	Haverfield	O'Grady
Bell	Elrod	Henderson	Ott
Boyd	Fincher	Hollahan	Plante
Broxson	Fisher	Horne	Poston
Chiles	Friday	Johnson	Reuter

Sayler
Shevin
Slade

Spencer
Stockton
Stolzenburg

Stone
Thomas
Weber

Weissenborn
Wilson
Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 30, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

David F. Patterson, Assistant State Attorney, Sixth Judicial Circuit, succeeding T. H. Getzen, for a term ending July 31, 1971.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Deeb moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Deeb, the Senate advised and consented to the appointment of David F. Patterson, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President
Askew
Bafalis
Barron
Barrow
Bell
Boyd
Broxson
Chiles
Clayton
Cross
Deeb

de la Parte
Edwards
Elrod
Fincher
Fisher
Friday
Gibson
Gong
Griffin
Gunter
Haverfield
Henderson

Hollahan
Horne
Johnson
Knopke
Lane
McClain
Mathews
O'Grady
Ott
Plante
Poston
Reuter

Sayler
Shevin
Slade
Spencer
Stockton
Stolzenburg
Stone
Thomas
Weber
Weissenborn
Wilson
Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 30, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Judson J. Chalmers, member, State Road Board, District Two, succeeding Harry R. Gonzalez, resigned. His term ends June 30, 1969.

Respectfully requested,

CLAUDE R. KIRK, JR.
Governor

The Presiding Officer announced that pursuant to Senate Rule 15.2, the President had appointed the following Select Committee: Senators Stockton, Fisher, Slade and Mathews, and that the President would also serve as a member of the Committee.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 29, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

D. Burke Kibler, member, Board of Regents, succeeding Woodrow J. Darden, removed from office May 30, 1967.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

The Presiding Officer announced that pursuant to Senate Rule 15.2, the President had appointed the following Select Committee: Senators Chiles, Griffin, Boyd, de la Parte and Haverfield.

The hour of recess having arrived, a point of order was called and the Senate recessed at 12:30 p.m.

On motion by Senator Mathews, by two-thirds vote, it was agreed that the Senate reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Barron at 2:00 p.m. A quorum present.

On motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

The Committee of the Whole was called to order by Senator Barron. A quorum present.

Senator Friday moved that when reference is made to a census that the words official, federal or decennial be deleted except in Article III, Section 17 where the reference will be to a "decennial census"; and the Liaison and Drafting Committee be authorized to proceed on that basis. The motion was adopted.

Senator Fisher offered the following amendment which failed:

Amendment 311—Article VIII, Section 4, on page 48, beginning at line 11, strike present Section 4 and insert in lieu thereof the following:

Section 4. [ESTATE, INHERITANCE AND] INCOME TAXES.—No tax [upon estates or inheritances or] upon the income of residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States.

Senator Pope presiding.

The Liaison Committee offered the following amendment which was moved by Senator Chiles and failed:

Amendment 57-a—Article VIII, Section 11, on page 51, beginning at line 26, strike all of Section 11 and insert in lieu thereof the following:

Section 11. State bonds. [The legislature shall have the power to provide for issuing state bonds only for the purpose of repelling invasion or suppressing insurrection.] Substantial rewrite.

(a) State bonds are those bonds pledging the full faith and credit of the state and may be issued only to finance the cost of capital projects for state purposes as theretofore authorized by the legislature or to refund state bonds or revenue certificates then outstanding upon the approval of the legislature within two years prior to the refunding and the state board of administration or its successor. With the approval by resolution of three-fifths of each house of the legislature no vote of the electors shall be required; provided (1) the bonds are issued to refund outstanding state bonds; or (2) the bonds (i) other than refunding bonds, issued in any one fiscal year shall not exceed in the aggregate four per centum (4%) of the general revenue of the state, as certified by the state comptroller, for the two preceding fiscal years, (ii) shall not, together with any such state bonds then outstanding, cause the aggregate amount of state bonds then outstanding to be in excess of seventy-five per centum (75%) of the general revenue of the state, as certified by the state comptroller, for the two preceding fiscal years, and (iii) shall not be issued to finance any part of the state highway system.

(b) The issuance of all other state bonds under this section shall be approved by a majority of the votes at a referendum cast in a special or general state election; provided, however, that the aggregate amount of state bonds outstanding at any one time, whether issued under (a) above or this subsection (b), shall never exceed the general revenue of the state as certified by the state comptroller, for the two preceding fiscal years; provided, further, the authority to issue additional state bonds shall be suspended at such time or times when such aggregate amount of state bonds then outstanding shall equal or exceed the general revenue of the state as certified by the state comptroller for the two preceding fiscal years.

The legislature shall appropriate moneys sufficient to pay such state bonds and interest thereon and reserves therefor as the same come due. The state treasurer in each year shall set apart and pay into the state bond sinking fund, which is hereby created, from the first revenue received applicable to the general revenue fund of the state, an amount sufficient to

pay the principal, interest and reserves therefor becoming due in such year, as provided in the proceedings authorizing the issuance of such state bonds; and the state board of administration or its successor, as trustee of the state bond sinking fund, shall pay to the holders of such state bonds the amount of any such principal or interest when due. The provisions of this section may be enforced in any court of competent jurisdiction by any holder of such state bonds.

(c) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance [the cost of] necessary capital projects for state purposes, as authorized by general law, and shall be payable solely from funds derived from source other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, section 10 (d) of this constitution.

The vote was:

Yeas—17

Cross	Horne	Reuter	Weissenborn
Fincher	Lane	Shevin	Wilson
Fisher	McClain	Slade	
Friday	Mathews	Spencer	
Haverfield	Poston	Stone	

Nays—26

Mr. President	Chiles	Henderson	Stockton
Askew	Deeb	Johnson	Stolzenburg
Barron	de la Parte	Knopke	Thomas
Barrow	Elrod	O'Grady	Weber
Bell	Gibson	Ott	Young
Boyd	Griffin	Plante	
Broxson	Gunter	Sayler	

A motion by Senator Shevin failed that the Committee of the Whole reconsider the vote by which Amendment 57-a failed.

On motions by Senator Mathews, Amendments 58-a and 26-a were referred to the Liaison Committee.

The Liaison Committee offered the following amendment which was moved by Senator Horne:

Amendment 51-a—Article X, Section 5, on page 57, beginning at line 7, strike Section 5, and insert the following:

Section 5. EMINENT DOMAIN.—

(a) No private property or right of way shall be taken or damaged except for a public purpose and without full compensation therefor, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees, as determined by a court, paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) After judicial determination of necessity, title and possession of the property may be taken before final judgment upon deposit in the registry of the court, available to the owner, of a sum found by the judge of the court to be fair and reasonable after a hearing pursuant to reasonable notice as provided by law.

(c) Any owner may withdraw from the registry of the court the amount found by the court to be fair and reasonable, made before judgment without waiving the right to jury trial, or the deposit of the sum awarded by judgment after trial without waiving the right of appeal. No appeal from any order or judgment of taking shall operate as a supersedeas.

(d) Provision may be made by law for the taking, by like proceedings, of rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another.

Senator Barrow offered the following amendment to Amendment 51-a which failed:

Add (e) There must be a jury of 12 persons to try the case.
Amendment 51-a was adopted,

The Liaison Committee offered the following amendment which was moved by Senator Chiles:

Amendment 56-a—Article X, Section 6, on page 58, beginning at line 5, strike Section 6 and insert in lieu thereof the following:

Section 6. Lotteries.—Lotteries, other than pari-mutuel pools regulated by law, are hereby prohibited in this state.

Senator Gunter offered the following substitute amendment:

Article X, Section 6, on page 58, beginning at line 5, strike Section 6 and insert new section 6 as follows:

Section 6. Lotteries.

Lotteries are hereby prohibited in this state.

An amendment offered by Senator O'Grady to the substitute amendment was ruled out of order.

The substitute amendment failed.

Senator Askew moved that the Committee of the Whole reconsider the vote by which the substitute amendment failed.

Pending further consideration of the motion to reconsider, Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Cross at 4:40 p.m. A quorum present.

On motion by Senator Friday, the rules were waived and the Senate reverted to the order of receiving reports of Committees.

Senator Bafalis moved that the rules be waived and the Senate receive in open session a report of the Select Committee appointed pursuant to Senate Rule 15.2 to inquire into the Executive Order of Suspension in the case of Martin M. Kellenberger, Sheriff of Palm Beach County, Florida. Which was agreed to.

Senator Mathews read the following—

REPORT OF SELECT COMMITTEE

Honorable Verle A. Pope

August 31, 1967

President

The Florida Senate

Re: Martin M. Kellenberger, Sheriff of Palm Beach County, Florida (Suspension of)

Dear Mr. President:

Your Select Committee appointed to inquire into the suspension of Martin M. Kellenberger as Sheriff of Palm Beach County, Florida as contained in the Order of Suspension dated July 31, 1967, by Claude R. Kirk, Jr., Governor, reports as follows:

1. Your Committee recommends that this report be received in open session of the Senate.
2. Your Committee has conducted a public hearing into the matter and has received testimony concerning same in that public hearing. Based upon the results of this inquiry and hearing, your Committee finds that the physical condition of the Sheriff is such that he is incapable of fulfilling the arduous and highly important duties of the Office of Sheriff.
3. It is therefore, the recommendation of your Select Committee that the recommendation of the Honorable Claude R. Kirk, Jr. as Governor of the State of Florida be adopted and that Martin M. Kellenberger be removed from the Office of Sheriff of Palm Beach County, State of Florida.

L. A. BAFALIS, Chairman C. S. REUTER

ELMER O. FRIDAY, JR. JERRY THOMAS

DAVID C. LANE

Senator Bafalis moved the adoption of the report, and that pursuant thereto the recommendation of the Governor be adopted and Martin M. Kellenberger be removed from office

as Sheriff of Palm Beach County, State of Florida. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

Senator Chiles moved that the rules be waived and the Senate receive in open session the verbal report of the Select Committee appointed pursuant to Senate Rule 15.2 to inquire into the following appointment made by the Governor:

D. Burke Kibler, member, Board of Regents, succeeding Woodrow J. Darden, removed from office May 30, 1967.

Which was agreed to.

Senator Chiles reported that the Committee had met and after full and free conference recommended that the Senate advise and consent to the aforesaid appointment.

On motion by Senator Chiles, the Report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of D. Burke Kibler. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

On motion by Senator Mathews, the rules were waived and the Senate reverted to the order of receiving—

MESSAGES FROM THE GOVERNOR

By direction of the Presiding Officer, the Secretary of the Senate read the following communications from Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 31, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following re-appointment and respectfully request confirmation thereof:

Walter Derwin Anderson, Assistant State Attorney, First Judicial Circuit, for a term ending July 7, 1971.

Sincerely,

CLAUDE R. KIRK, JR.
Governor

Senator Barrow moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Barrow, the Senate advised and consented to the appointment of Walter Derwin Anderson, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	Boyd	de la Parte	Gibson
Askew	Broxson	Edwards	Gong
Bafalis	Chiles	Elrod	Griffin
Barron	Clayton	Fincher	Gunter
Barrow	Cross	Fisher	Haverfield
Bell	Deeb	Friday	Henderson

Hollahan	Mathews	Sayler	Stone
Horne	O'Grady	Shevin	Thomas
Johnson	Ott	Slade	Weber
Knopke	Plante	Spencer	Weissenborn
Lane	Poston	Stockton	Wilson
McClain	Reuter	Stolzenburg	Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 31, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Robert D. Sumner, Assistant State Attorney, Sixth Judicial Circuit, succeeding Joe A. McClain, for a term ending July 24, 1971.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Deeb moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Deeb, the Senate advised and consented to the appointment of Robert D. Sumner, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

August 31, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

George B. Newton, Assistant State Attorney, Seventh Judicial Circuit, succeeding Nathan I. Weinstein, for a term ending on July 31, 1971.

Respectfully submitted,

CLAUDE R. KIRK, JR.
Governor

Senator Mathews moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Mathews, the Senate advised and consented to the appointment of George B. Newton, as contained and set forth in the foregoing communication. The vote was: Yeas—48 Nays—None

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

The President presiding.

By permission, the following Report of Committee was received:

REPORT OF THE COMMITTEE ON
RULES AND CALENDAR

The Honorable Verle A. Pope, President 31 August 1967
The Florida Senate
Tallahassee, Florida

Dear Sir:

Pursuant to Senate Rules, the Committee on Rules and Calendar recommends the introduction of SB 11-4X(67) relating to the trustees of the internal improvement fund; amending §§253.02, and 253.03, F.S., as amended by chapter 67-269.

Respectfully submitted,

JOHN E. MATHEWS, JR.
 Chairman

Pending consideration of the foregoing report, on motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

Senator Pope presiding.

Senator Askew withdrew the motion to reconsider the vote by which the substitute amendment for Amendment 56-a offered by Senator Gunter failed.

Senator Broxson offered the following substitute amendment for Amendment 56-a which was adopted:

Strike all of the amendment and substitute in lieu thereof: Section 6. Lotteries, other than pari-mutuel pools authorized by law as of the effective date of this Constitution, are hereby prohibited in this state.

Senator O'Grady offered the following amendment to Article X, Section 6 as amended which failed:

Strike: Section 6.

Senator Barrow moved that the Committee of the Whole reconsider the vote by which the amendment to Amendment 51-a failed. The motion failed and the vote was:

Yeas—18

Barrow	Gibson	McClain	Stolzenburg
Broxson	Griffin	O'Grady	Weber
Cross	Hollahan	Ott	Young
Deeb	Johnson	Plante	
Fincher	Knopke	Poston	

Nays—18

Mr. President	Fisher	Lane	Stockton
Askew	Friday	Mathews	Stone
Bell	Gong	Reuter	Wilson
Boyd	Gunter	Shevin	
Chiles	Henderson	Spencer	

PAIRS

The following Pairs were announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Thomas on motion to reconsider the amendment by Senator Barrow to Amendment 51-a. If he were present he would vote "Yea" and I would vote "Nay."

LEE WEISSENBORN, 42nd District.

I am paired with Senator Slade on motion to reconsider the amendment by Senator Barrow to Amendment 51-a. If he were present he would vote "Yea" and I would vote "Nay."

ROBERT H. ELROD, 17th District.

I am paired with Senator Barron on motion to reconsider the amendment by Senator Barrow to Amendment 51-a. If he were present he would vote "Yea" and I would vote "Nay."

MALLORY E. HORNE, 5th District.

The Liaison Committee offered the following amendment which was moved by Senator Poston:

Amendment 67-a—Article III, Section 16, Delete subsection (c) and insert:

(c) Qualifications. Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

Senator Stockton offered the following amendment to Amendment 67-a which failed:

Article III, Section 16, subsection (c), line 2, strike: "21" and insert the following: 18

Amendment 67-a was adopted.

Senator Haverfield offered the following amendment which was adopted:

Amendment 329—Article XII, Section 14, on page 70, beginning at line 14, strike present section 14 and insert in lieu thereof the following:

Section 14. Consolidation and home rule.—Article VIII, sections 9, 10, 11 and 24, of the constitution of 1885, as amended, shall remain in full force and effect as to each county affected until that county shall adopt a charter or home rule plan pursuant to this constitution. Any court in operation on the effective date of this constitution, created pursuant to these sections, during its existence, shall accede to and assume all jurisdiction of the magistrate's court provided in the constitution.

Senator Gunter offered the following amendment which was adopted:

Amendment 328—Article IV, Section 3, Subsection (e), on page 27, beginning at line 17, strike present subsection (e) and insert in lieu thereof the following:

Section 2. Cabinet.—

(e) The Commissioner of Agriculture shall [have supervision of matters pertaining to agriculture except as otherwise provided by law.] perform the duties prescribed by law relating to agriculture.

The vote was:

Yeas—24

Mr. President	Chiles	Gong	Lane
Askew	Clayton	Griffin	Mathews
Barrow	Cross	Gunter	Ott
Bell	Elrod	Haverfield	Poston
Boyd	Friday	Horne	Stone
Broxson	Gibson	Knopke	Thomas

Nays—11

Deeb	Plante	Spencer	Weber
Henderson	Reuter	Stockton	Weissenborn
McClain	Shevin	Stolzenburg	

Senators Boyd and Gunter offered the following amendment which was adopted on motion by Senator Boyd:

Amendment 330—Article IV, Section 3, Subsection (f), on page 27, beginning at line 20, strike subsection (f) and insert in lieu thereof:

(f) The commissioner of education [shall have supervision of matters pertaining to public education except as otherwise provided by law.] , in the manner prescribed by law, shall supervise the public education system.

On motion by Senator Broxson, Amendment 66-a was referred to the Liaison Committee.

Senator Stolzenburg offered the following amendment which failed:

Amendment 331—Article VIII, Section 9, Paragraph (c), on page 50, beginning at line 22, add a new paragraph as follows:

(c) Each county or school district shall levy a tax of five mills on each dollar of non-exempt real estate or tangible personal property for local school purposes.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 8:00 p. m.

Senator Boyd offered the following amendment which was adopted:

Amendment 327—Article IX, Section 5, on page 53, beginning at line 10, strike section 5 and insert new substantial reworded section 5:

Section 5. Superintendent of schools.—In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four, for a term of four years; except that, when provided by local law, subject to referendum in the school district, or in the case of counties, each of which has an appointive superintendent, combined into a school district under section 4(a) hereof, the superintendent of schools shall not be commissioned by the governor but shall be appointed by and serve at the pleasure of the school board provided that the board may enter into a contract of employment with such superintendent which contract shall not extend beyond the thirtieth day of June in the year in which the terms of a majority of the members of the school board shall expire. The local law may be repealed, subject to referendum in the school district, only after it has been in effect for three years. The powers and duties of the superintendent of schools shall be prescribed by law.

The Liaison Committee offered the following amendment which was adopted on motion by Senator Shevin:

Amendment 59-a—Declaration of Rights, Section 3, on page 1, beginning at line 23, strike Section 3 and insert in lieu thereof:

Section 3. Religious freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Senator Stone offered the following amendment:

Declaration of Rights, Section 3, as amended: Strike Section 3 and insert in lieu thereof the following:

Section 3. Religious Freedom.—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with the morals, peace or safety of the public. No money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, religious denomination or any sectarian institution. Nothing contained in this Article shall preclude the provision of health and welfare or other non curricular services authorized by law for the benefit of all school children nor prevent the distribution of federal funds in accordance with the terms of the federal law.

Senator O'Grady offered the following amendment to the amendment, which failed:

Strike: "Nothing contained in this article shall preclude the provision of health and welfare or other non curricular services authorized by law for all school children nor prevent the distribution of federal funds in accordance with federal law."

The vote was:

Yeas—18

Askew	Deeb	O'Grady	Stockton
Barrow	Elrod	Ott	Stolzenburg
Bell	Gibson	Plante	Thomas
Broxson	Griffin	Reuter	
Clayton	Gunter	Sayler	

Nays—20

Mr. President	Gong	Knopke	Shevin
Boyd	Haverfield	Lane	Spencer
Cross	Henderson	McClain	Stone
de la Parte	Hollahan	Mathews	Weber
Fincher	Horne	Poston	Weissenborn

The amendment by Senator Stone failed.

Senator Askew presiding.

Senator Deeb offered the following amendment which failed:

Amendment 326—Article VII, Section 2, Subsection (c) on page 44, beginning at line 24, strike entire subsection (c) and insert in lieu thereof this substantial rewording:

(c) **ANNEXATION.** Municipal annexation of unincorporated territory shall be subject to the approval at separate referendum elections of those freeholders voting in the area to be annexed and those freeholders voting in the municipality planning such annexation except where conditions exist which the legislature has determined are injurious to the health and safety of any citizen then such annexation shall be as provided by general or special law.

Senator Pope presiding.

On motion by Senator Friday, the Committee of the Whole reconsidered the vote by which Amendment 44-a was adopted on August 30.

Senator Friday offered the following substitute amendment for Amendment 44-a which was adopted:

Declaration of Rights, Section 16, on page 4, beginning at line 28, strike present section 16 and insert in lieu thereof the following:

Section 16. Rights of accused.—In all criminal prosecutions the accused shall [have the right to a copy of the charges], upon demand, be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, [and to have the assistance of counsel for his defense,] by counsel or both, to demand the nature and cause of the accusation against him, and to have a speedy[, public and impartial] and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but the accused may, before pleading, elect the county in which to be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

On motion by Senator Mathews, SJR 2-4X(67) as engrossed was reported favorably by the Committee of the Whole.

The vote was:

Yeas—33

Mr. President	Friday	Lane	Stockton
Askew	Gong	McClain	Stone
Broxson	Griffin	Mathews	Thomas
Chiles	Gunter	Plante	Weber
Clayton	Henderson	Poston	Weissenborn
Cross	Hollahan	Sayler	Young
de la Parte	Horne	Shevin	
Elrod	Johnson	Slade	
Fincher	Knopke	Spencer	

Nays—9

Barrow	Deeb	Gibson	Stolzenburg
Bell	Fisher	Reuter	Wilson
Boyd			

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Haverfield on the foregoing motion. If he were present he would vote "Yea" and I would vote "Nay."

DEMPSEY J. BARRON, 4th District

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 7:25 p. m. A quorum present.

On motion by Senator Mathews, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 9:15 a. m., September 1, 1967.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 7:28 p.m. to reconvene at 9:15 a.m., September 1, 1967.